

REMARKS

Reconsideration of the application is requested.

Claims 14-23, 25, and 26 are now in the application. Claims 14-23, 25, and 26 are subject to examination. Claims 25 and 26 have been added.

Under the heading “Claim Rejections – 35 USC § 102” on page 3 of the above-identified Office Action, claims 14-18, 20 and 22-24 have been rejected as being fully anticipated by U.S. Publication No. 2004/0203589 to Wang et al. under 35 U.S.C. § 102. Applicants respectfully traverse.

Wang discloses a method for processing a message sent by an authenticatable sender to a receiver in communication network. Contrary to the teaching in Wang, the method defined by claim 14 relates to controlling and evaluating message traffic of a communication unit. Claim 23 similarly relates to a first network unit for controlling and evaluating message traffic of a communication unit within a mobile radio system.

Further the method in Wang is related to filtering junk messages in a SMS or MMS system [See paragraph 0002]. Contrary to the teaching in Wang, the method defined by claim 14 includes a step of: assigning a specific set of the useful information in each case to a user identity, with the specific set of the useful information being used to control and evaluate at least one message of the message traffic of the communication unit. Similarly, claim 23 specifies: the

specific set of useful information being used to control and evaluate at least one of the messages of the message traffic of the communication unit.

In Wang, the junk messages can be filtered out by authenticating the identity of the sender. The authentication is the identity of the sender derived from the authentication certificate AC of the sender [0026, 0027]. Contrary to Wang, the method defined by claim 14 relates to an evaluation of useful information of the communication unit that is transmitted to the first network unit within a mobile radio network. Here, the communication unit, after an evaluation of the useful information, decides whether the messages are forwarded to a second network unit for further processing or are to be blocked. Contrary to Wang, the invention as defined by claim 23 specifies: said processing unit further deciding whether at least one of the messages of the message traffic can, on a basis of at least one item of the useful information of the communication unit, be logged by the first network unit in a logfile.

Further, the SMS or MMS in Wang are transmitted to a message server. A message server is provided for storing the SMS or MMS and is not a second network unit as is required by claims 14 and 23. As shown in Fig. 1, a second network unit NE2 is part of another part PN of the mobile radio system.

Further, the first network unit is not a special MCS for filtering SMS or MMS messages, but rather represents Gateways or Gateway GPRS Support Nodes GGSN which are provided for routing messages and converting the signalling procedure for other parts of the radio mobile system.

Therefore applicants believe that one of ordinary skill in the art would not have been motivated by Wang to obtain the invention as defined by claim 14 or claim 23 because the solution in Wang is related to filter SMS or MMS messages and the invention is related to evaluate and control the message traffic of a communication unit by means of a first network unit within a mobile radio network, wherein the criteria's for filtering the SMS or MMS and the evaluation and controlling of messages by the first network unit are very different.

Claim 16 specifies that the useful information relates to a destination address. For instance, the useful information includes positive destination addresses, negative destination addresses, or destination addresses that are logged by the first network unit. Wang does not teach these limitations but rather teaches that the so-called the useful information relates to the identity of the sender.

Claims 25 and 26 have been added to even further distinguish the invention from the prior art. Support for the claims can be found by referring to claim 16. for example. As already discussed, Wang does not teach these limitations but rather teaches that the so-called the useful information relates to the identity of the sender.

Claim 24 has been canceled.

Under the heading “Claim Rejections – 35 USC § 103” on page 8 of the above-identified Office Action, claim 19 has been rejected as being unpatentable over U.S. Publication No. 2004/0203589 to Wang et al. in view of U.S. Publication No. 2002/0199095 to Bandini et al. under 35 U.S.C. § 103. Applicants respectfully traverse.

Even if it would have been obvious to have combined the teaching of Bandini et al. with that of Wang et al., the invention as defined by claim 19 would not have been obtained for the reasons given above with regard to Wang et al. and claim 14.

Under the heading “Claim Rejections – 35 USC § 103” on page 9 of the above-identified Office Action, claim 21 has been rejected as being unpatentable over U.S. Publication No. 2004/0203589 to Wang et al. in view of U.S. Publication No. 2004/0203432 to Patil et al. under 35 U.S.C. § 103. Applicants respectfully traverse.

Even if it would have been obvious to have combined the teaching of Patil et al. with that of Wang et al., the invention as defined by claim 21 would not have been obtained for the reasons given above with regard to Wang et al. and claim 14.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 14 or

23. Claims 14 and 23 are, therefore, believed to be patentable over the art.

The dependent claims are believed to be patentable as well because they all are ultimately dependent on claim 14 or 23.

In view of the foregoing, reconsideration and allowance of claims 14-23, 25, and 26 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

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